

APR-18-2008 13:15 From:BSTZ

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P. 1/15

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**APR 18 2008**

# FACSIMILE COVER SHEET

Deliver to: Juan A. Torres, USPTO Art Group: 2611  
Facsimile No.: (571) 273-8300 Date: April 18, 2008  
From: Brent E. Vecchia, Reg. No. 48,011  
Our Docket No.: 42P11621C Number of pages 15 including this sheet.  
Application No.: 10/759,634 Filing Date: 1/16/2004  
Docket Due Date(s): 6/20/2008

**Enclosed are the following documents:**

<input checked="" type="checkbox"/> Amendment: <u>After Final</u> ( <u>10</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief ( . . pgs)	<input type="checkbox"/> Notice of Appeal (in duplicate)
<input type="checkbox"/> Application: _____ ( <u>    </u> pgs) w/cover & abstract)	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of <u>Facsimile</u> _____	<input type="checkbox"/> Reply Brief ( <u>    </u> pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( <u>    </u> pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: <u>    </u> sheets, <u>    </u> figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion ( <u>    </u> pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 ( <u>    </u> pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input checked="" type="checkbox"/> Other: <u>Comments on Statement of Reasons for Allowance</u>	<input checked="" type="checkbox"/> Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)**

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Wendi Lou Rostun 4/18/2008  
Wendi Lou Rostun Date

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	10/759,634
		Filing Date	January 16, 2004
		First Named Inventor	Daniel Richard Monroe
		Art Unit	2611
		Examiner Name	Juan A. Torres
Total Number of Pages in This Submission	15	Attorney Docket Number	42P11621C

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appel Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">         Comments on Statement of Reasons for Allowance &amp; Facsimile Cover Sheet       </div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>Brent E. Vecchia</i>
Date	April 18, 2008

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Wendi Lou Rostan	Date	April 18, 2008
Signature	<i>Wendi Lou Rostan</i>		

Based on PTO/SB/21 (10-07) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ 10/05/2007).  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

APR 18 2008

<b>FEE TRANSMITTAL for FY 2007</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number	10/759,634
		Filing Date	January 16, 2004
		First Named Inventor	Daniel Richard Monroe
		Examiner Name	Juan A. Torres
		Art Unit	2611
<b>TOTAL AMOUNT OF PAYMENT (\$)</b>		0.00	
		Attorney Docket No. 42P11621C	

**METHOD OF PAYMENT** (check all that apply)

- ☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff Taylor & Zafman LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☒ Credit any overpayments
- ☐ Charge fee(s) indicated below, except for the filing fee ☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.
- ☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

**FEE CALCULATION****1. EXTRA CLAIM FEES**

Total Claims	38	4 <sup>th</sup>	0	x	50.00	=	\$0.00
Independent Claims	5	6 <sup>th</sup>	0	x	210.00	=	\$0.00
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	210	2201	105	Independent claims in excess of 3
1203	370	2203	185	Multiple Dependent claim, if not paid
1204	810	2204	405	Reissue independent claims over original patent
1205	810	2205	405	Reissue claims in excess of 20 and over original patent

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
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1204	810	2204	405	Reissue independent claims over original patent
1205	810	2205	405	Reissue claims in excess of 20 and over original patent

\*or number previously paid, if greater. For Reissues, see below

SUBTOTAL (1)

(\$) 0.00

**2. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	85	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	460	2252	230	Extension for reply within second month	
1253	1,060	2253	525	Extension for reply within third month	
1254	1,840	2254	820	Extension for reply within fourth month	
1255	2,230	2255	1,115	Extension for reply within fifth month	
1401	510	2401	255	Notice of Appeal	
1402	510	2402	255	Filing a brief in support of an appeal	
1403	1,030	2403	515	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(c)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
1809	810	1809	405	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify)

SUBTOTAL (2)

(\$)

**SUBMITTED BY**

Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011	Telephone	(303) 740-1980
Signature	<i>Brent E. Vecchia</i>	Date	04/18/08		

Based on PTO/SB/17 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (vii) 02/26/2007.  
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APR 18 2008

**FEE TRANSMITTAL  
for FY 2007**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

## Complete if Known

Application Number 10/759,634  
 Filing Date January 16, 2004  
 First Named Inventor Daniel Richard Monroe  
 Examiner Name Juan A. Torres  
 Art Unit 2611  
 Attorney Docket No. 42P11621C

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☒ Credit any overpayments☐ Charge fee(s) indicated below, except for the filing fee
☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

## FEE CALCULATION

## 1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
36	41*	0	\$0.00
Independent Claims	6*	0	\$0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	
1202 50	2202 25	Claims in excess of 20
1201 210	2201 105	Independent claims in excess of 3
1203 370	2203 185	Multiple Dependent claim, if not paid
1204 810	2204 405	**Reissue independent claims over original patent
1205 810	2205 405	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1)

(\$)

0.00

## 2. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
2053 130	2053 130	Non-English specification
1251 120	2251 60	Extension for reply within first month
1252 450	2252 230	Extension for reply within second month
1253 1,050	2253 525	Extension for reply within third month
1254 1,840	2254 820	Extension for reply within fourth month
1255 2,230	2255 1,115	Extension for reply within fifth month
1401 510	2401 255	Notice of Appeal
1402 510	2402 255	Filing a brief in support of an appeal
1403 1,030	2403 515	Request for oral hearing
1451 1,510	2451 1,510	Petition to institute a public use proceeding
1460 130	2460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1806 180	Submission of Information Disclosure Stmt
1809 510	1809 405	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 510	2810 405	For each additional invention to be examined (37 CFR § 1.128(b))

Other fee (specify)

SUBTOTAL (2)

(\$)

## SUBMITTED BY

Name (Print/Type) Brent E. Vecchia

Registration No.  
(Attorney/Agent)

48,011

## Complete (if applicable)

Telephone

(303) 740-1980

Signature

Brent E. Vecchia

Date

04/18/08

Based on PTO/5B/17 (02-07) as modified by Biskaly, Sokoloff, Taylor & Zafman (WR) 02/26/2007.  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/759,634

1<sup>st</sup> Named Inventor : Daniel Richard Monroe

Filed : 01/16/2004

Docket No. : 42P11621C

Confirmation No. : 1217

Art Unit : 2611

Examiner : Juan A. Torres

Customer No. :

Box Issue Fee

Assistant Commissioner for Patents

Washington, D.C. 20231

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE (37 CFR 1.104 (e))

As an initial matter, the undersigned would like to thank the Examiner for the search and review of the above-captioned application and the allowance of claims in the Final Office Action mailed on 3/20/08. The undersigned submits herein a statement commenting on the reasons for allowance and respectfully requests that this statement be made of record.

*Statement Commenting on the Reasons for Allowance*

The Examiner, in the statement of reasons for allowance, appears to have referenced limitations from allowed method claim 32. Only some but not all of the referenced limitations are found in the other allowed independent claims. The independent claims in which all of the referenced language is not found are understood to be allowable for reasons that were not articulated by the Examiner. Thus, the undersigned notes for the record that this Statement for Reasons of Allowance was not intended and should not be used to read non-existent limitations into the claims or to produce prosecution history estoppel. Rather, each claim should be construed to include only those limitations that are explicitly recited in the language of the claim.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 4/18/08

Brent E Vecchia  
Brent E. Vecchia  
Reg. No. 48,011

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CERTIFICATE OF TRANSMISSION (37 CFR 1.8A)

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Wendi Lou Rostan 4/18/08  
Wendi Lou Rostan Date

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**RESPONSE UNDER 37 CFR § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2611****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	: 10/759,634	Confirmation No.	: 1217
1 <sup>st</sup> Named Inventor	: Daniel Richard Monroe	Art Unit	: 2611
Filed	: 01/16/2004	Examiner	: Juan A. Torres
Docket No.	: 42P11621C	Customer No.	:

**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed March 20, 2008, the Applicants respectfully request that the Examiner enter the following amendments and consider the following remarks.

**CERTIFICATE OF TRANSMISSION (37 CFR 1.8A)**

*I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the Patent and Trademark Office.*

*Wendi Lou Rostan* 4/18/08  
Wendi Lou Rostan Date

App. No. 10/759,634  
BEV/wlr

- 1 -

Dkt. No. 42P11621C